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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,028	06/18/2001	Kazuo Yoshioka	2257-0188P-SP	8801

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EXAMINER

FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,028

Applicant(s)

YOSHIOKA, KAZUO

Examiner

Jamieson W. Fish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments with respect to claims **1-15** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims **1-2, 7-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Maa (US 5,818,935).

1. Regarding claim **1**, Maa teaches a receiver comprising: a receiving section for receiving a first communication signal constituting contents through a first communication system (See Fig. 1 Video input port 12 Col. 4 line 19-Col. 5 line 64); a transmitting and receiving section requesting a transmission of a second communication signal containing release information and receiving said second communication signal through a second communication system enabling bi-directional communications (See Fig. 1 Modem 26 Col. 4 line 19-Col. 5 line 64, Col. 7 line 16-Col. 8 line 8 Decryption Key is sent via internet); a matching correlation detection section for making a judgment as to whether or not said release information has a predetermined matching correlation with limitation information for limiting a normal output of said contents (See Fig. 1 Video decryption unit 16 Col. 7 line 16-Col. 8 line 8); and an output section refraining from normally outputting at least one portion of said contents when said predetermined matching correlation is not detected, and outputting said contents normally when said predetermined matching correlation is detected (See Col. 7 line 16-Col. 8 line 8);

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wherein said first communication signal contains transmission source information for specifying a transmission source in order to obtain said release information that has said predetermined matching correlation with said limitation information corresponding to said contents constituted by said first communication signal, and wherein said receiver receives said second communication signal automatically by obtaining said transmission source information contained in said first communication signal (See Col. 4 line 19-Col. 5 line 64, Col. 7 line 16-Col. 8 line 8 URL(transmission source) is embedded within video signal, user connects to URL to get decryption key(release information)).

2. Regarding claim 7, Maa teaches wherein said first communication signal contains said limitation information corresponding to said contents constituted by said first communication signal (See Col. 4 line 19-Col. 5 line 64, Col. 7 line 16-Col. 8 line 8 Contents are scrambled).

3. Regarding claim 8, Maa teaches wherein said output section indicates that said communication is being carried out through said second communication system upon request and receipt of said second communication signal (See Col. 4 line 19-Col. 5 line 64, Col. 7 line 16-Col. 8 line 8).

4. Regarding claim 9, Maa teaches wherein said contents include video data (See Col. 4 lines 19-37):

5. Regarding claim 10, Maa teaches wherein said contents include music data (Col. 15 lines 1-2).

6. Regarding claim 11, Maa teaches wherein said contents include program data (Col. 15 lines 13-19).

7. Regarding claim **12**, Maa teaches a distribution method of release information comprising the step of: when release information has a predetermined matching correlation with limitation information for limiting a normal output of contents supplied through a first communication system, distributing said release information for allowing said contents to be normally outputted through a second communication system enabling bi-directional communications (See Col. 4 line 19-Col. 5 line 64, Col. 7 line 16-Col. 8 line 8).
8. Regarding claim **13**, Maa teaches wherein the distribution of said release information is executed in response to a predetermined request (See Col. 4 line 19-Col. 5 line 64, Col. 7 line 16-Col. 8 line 8 User purchasing is a request).
9. Regarding claim **14**, Maa teaches a distribution method of contents, which distributes said contents through a first communication system, wherein said contents are supplied together with transmission source information for specifying a transmission source for a second communication system that enables bi-directional communications, and wherein release information which allows said contents to be normally outputted is obtained from said transmission source when said release information has a predetermined matching correlation with limitation information for limiting a normal output of said contents (Col. 4 line 19-Col. 5 line 64, Col. 7 line 16-Col. 8 line 8).
10. Regarding claim **15**, Maa teaches wherein said contents are distributed together with said limitation information corresponding to said contents (Col. 4 line 19-Col. 5 line 64, Col. 7 line 16-Col. 8 line 8 Content is scrambled).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maa (US 5,818,935) in view of Saito (US 5,901,339).

11. Regarding claim 3, Maa teaches the receiver further comprising: a storing section for storing said release information (Col. 7 line 16-Col. 8 line 8), wherein said receiver receives said contents corresponding to said discrimination information inside a TV program guide signal as said first communication signal, and, outputs said contents normally when said release information stored in said storage section and said limitation information corresponding to said contents have said predetermined matching correlation (See Col. 7 line 16-Col. 8 line 8). Maa teaches a guide channel for discriminating contents (See Col. 7 line 16-Col. 8 line 8). Maa's guide is not necessarily stored locally. However, it is notoriously well known in the art to store information about programs locally as shown in Saito (See Fig. 12 and Col. 9 lines 45-67, Col. 10 lines 1-3). In view of the teachings of Saito, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Maa, so that information about programs was stored locally to allow the user to access program information on demand.

12. Regarding claim 4, Maa modified with Saito teaches the receiver further comprising an accumulation section for accumulating said first communication signal (See Maa Col. 4 lines 55-60, VCR).
13. Regarding claim 5, Maa modified with Saito teaches wherein said storage section stores said first communication signal on condition that said contents corresponding to said discrimination information stored in said storage section as said first communication signal (See Saito Col. 4 lines 37-42, Col. 9 lines 45-67, Col. 10 lines 1-3).
14. Regarding claim 6, Maa modified with Saito teaches wherein said storage section stores said first communication signal on additional condition that said release information stored in said storage section and said limitation information corresponding to said contents have said predetermined matching correlation (See Saito Col. 4 lines 37-42, Col. 9 lines 45-67, Col. 10 lines 1-3).

Conclusion

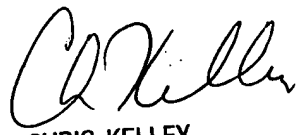
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 10-05-2005


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